

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACKIE EVANAUSKI,

File No. 1:20-CV-00947

Plaintiff,

Hon. Janet T. Neff

v.

LINDA AERTS,
Supervisor of Cedar Creek Township,
in her official and individual capacities,
STEPHANIE KUZIAK,
Clerk of Cedar Creek Township,
in her official and individual capacities,
and CEDAR CREEK TOWNSHIP,

Defendants.

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**PLAINTIFFS' BRIEF IN SUPPORT OF MOTION TO
FILE FIRST AMENDED COMPLAINT**

Plaintiff is requesting to file her First Amended Complaint, attached here as Exhibit 1. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiff requested and received Defendants' consent to do so on January 28, 2021.

Plaintiff initially filed their Complaint on September 29, 2020. (ECF 1, PageID.1-15). Defendants filed their answer on the Complaint on October 23, 2020 (ECF 7, PageID.26-42). Plaintiff now files her First Amended Complaint to add additional facts and a count to the same.

LEGAL STANDARD AND DISCUSSION

Rule 15(a)(2) states that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.”

The Court’s November 23, 2020 Case Management Order provides a deadline of January 4, 2021 for Motions to Join Parties or Amend Pleadings. On January 7, 2021, the Court accepted the parties’ stipulation and subsequently issued an Order providing Plaintiff until January 29, 2021 to file an amended complaint with Defendants’ consent.

On January 28 , 2021, Plaintiff’s counsel emailed Defendants’ counsel, requesting consent to file her First Amended Complaint, and Defendants’ counsel consented. Plaintiff now files her First Amended Complaint, in compliance with Rule 15(a)(2).

CONCLUSION

Because Plaintiff’s Motion to File First Amend Complaint is timely and Defendants consented to it, Plaintiff respectfully requests that the Court accept the amended pleading.

PINSKY, SMITH, FAYETTE & KENNEDY, LLP
Attorneys for Plaintiffs

Dated: January 28, 2021 By: /s/ Sarah Riley Howard
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